

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

JUDITH A. ALTERIO
A/K/A JUDY A. ALTERIO,

Chapter 7
Case No. 19-36305-CGM

Debtor.

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ORDER VACATING THE AUTOMATIC STAY AND GRANTING *IN REM* RELIEF

UPON the Motion filed by Rushmore Loan Management Services LLC, as servicer for Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust (the “Movant”) dated September 9, 2019 for an order granting the Movant: (a) relief from the automatic stay pursuant to 11 U.S.C. § 362(d)(1) so that it may exercise any and all rights and remedies available to it under applicable law with respect to the real property commonly known as 33 Cumberland Road, Fishkill, New York 12524 (the “Premises”) including but not limited to enforcing the Judgment of Possession and Warrant of Eviction entered by the Town of Fishkill Justice Court against Judith A. Alterio a/k/a Judy A. Alterio (the “Debtor”) and/or any other occupant of the Premises; (b) *in rem* relief, pursuant to 11 U.S.C. § 362(d)(4)(B), 11 U.S.C. § 105(a); 11 U.S.C. § 109(g)(1) such that the automatic stay of any and all future filings by the Debtor and/or any person having or claiming an interest in the Premises within two years of the date of said Order will not attach to said property and will therefore not prevent the Movant from exercising any and all rights and remedies available to it under applicable law with respect to the Premises; and (c) such other and further relief as this honorable Court may deem just and proper; and no opposition having been made thereto; and a hearing held on November 19, 2019; and due deliberation thereon; it is hereby

ORDERED that the automatic stay in effect pursuant to 11 U.S.C. §362(a), is hereby terminated pursuant to 11 U.S.C. §362(d)(1) as to the Movant, its agents, assigns or successors in interest, so that the Movant, its agents, assigns or successors in interest, may take any and all action under applicable state law to enforce the Judgment of Possession and Warrant of Eviction entered by the Town of Fishkill Justice Court and exercise its state law remedies against the Premises; and it is further

ORDERED that, pursuant to 11 U.S.C. § 362(d)(4)(B), 11 U.S.C. § 105(a), and 11 U.S.C. § 109(g)(1), the automatic stay of any and all future filings by the Debtor and/or any person having or claiming interest in the Premises within two years of the date of this Order will not attach to the Premises and that any future lockout within two years shall not be stayed; and it is further

ORDERED that the Office of the Dutchess County Clerk is hereby directed to record a copy of this Order against the Premises located at 33 Cumberland Road, Fishkill, New York 12524, upon payment of the appropriate fee, if any; and it is further

ORDERED that this order shall survive any conversion or dismissal.

Dated: November 25, 2019
Poughkeepsie, New York



/s/ Cecelia G. Morris

Hon. Cecelia G. Morris
Chief U.S. Bankruptcy Judge